

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SEAN PATRICK DOYLE,

No. C 12-2769 YGR (PR)

Plaintiff,

**ORDER DENYING DEFENDANT
HININGER'S MOTION TO STAY
DISCOVERY**

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,

Defendants.

This is a civil rights action brought by a *pro se* prisoner pursuant to 42 U.S.C. § 1983. One of the named Defendants, Damon T. Hininger, has filed a motion to dismiss as well as a motion to stay discovery pending resolution of his motion to dismiss. A district court has broad discretion to stay discovery pending the disposition of a dispositive motion. *See Panola Land Buyers Ass'n v. Shuman*, 762 F.2d 1550, 1560 (11th Cir. 1985); *Scroggins v. Air Cargo, Inc.*, 534 F.2d 1124, 1133 (5th Cir. 1976); *Hovermale v. School Bd. of Hillsborough County*, 128 F.R.D. 287, 289 (M.D. Fla. 1989). But, motions to stay discovery are not favored where resolution of the dispositive motion may not dispose of the entire case. *See Panola Land Buyers Assoc. v. Shuman*, 762 F.2d 1550, 1560 (11th Cir. 1985); *Hovermale*, 128 F.R.D. at 289-90. Although Defendant Hininger's motion could dispose of the claims against him, it would not dispose of the entire case. Moreover, staying discovery would only further delay resolution of the case if the motion to dismiss is denied. Accordingly, Defendant Hininger's motion for a stay is DENIED.

This Order terminates Docket No. 29.

IT IS SO ORDERED.

DATED: April 8, 2013



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE